

REMARKS

Applicant thanks the Examiner for the very thorough consideration given the present application. Claims 10-30 are present in this application. Claim 11 has been amended to correct an obvious typographical error. Applicant notes that the amendment of Claim 11 does not in any way alter the scope of the claim. Claims 10, 16, and 23 are presented in independent form.

Claim Objections

Withdrawal of the objection to Claim 11 is requested in view of the amendment correcting the obvious typographical error. The amendment does not in any way alter the scope of the claim.

Rejections Under 35 U.S.C. 103(a)

Claims 10-12 and 21 stand finally rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Axberg et al. in view of Davis et al.;

Claims 13-20 and 22-30 stand finally rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Axberg et al. and Davis et al. in view of Traversat et al. These rejections are respectfully traversed.

Independent Claim 10 recites a combination of elements directed to a system of managing a configuration database within a network management program for a SONET ring network. The system includes, *inter alia*, a plurality of managed objects. One or more of the managed objects include an object reference and a storage location pointer to another of the managed objects. The another of

the managed objects is accessed by a combination of the object reference and the storage location pointer associated with the one or more of the managed objects.

Independent Claim 16 recites a combination of elements directed to an apparatus for managing a configuration database within a network management program for a computer network. The apparatus includes, *inter alia*, a loader module for loading a plurality of managed objects into the system memory of the computer network upon a start-up event of the computer network. A first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions.

Independent Claim 23 recites a combination of elements directed to a system of managing a configuration database within a network management program for a SONET ring network including an active network coupled in parallel to a standby network. The system includes, *inter alia*, a plurality of managed objects. At least a first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions.

Applicant respectfully submits that rejections of Claims 10-12 and 21 as allegedly being obvious in view of the combination of Axberg et al. and Davis et al. and Claims 13 to 20 and 22 to 30 as allegedly being obvious in view of the combination of Axberg et al., Davis et al. and Traversat et al fail as a matter of the law. Specifically, even when combined, the proposed combinations do not render

obvious Applicant's invention as set forth in Claims 10 through 30. Further, the necessary teaching, suggestion and/or motivation for the proposed combinations is lacking.

Axberg et al. is the sole reference relied upon by the Examiner in connection with the claim features: (1) "one or more of the managed objects include an object reference and a storage location pointer to another one of the managed objects" (See Claim 10); (2) "a first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions" (See Claim 16); and, (3) "a first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions" (See Claim 23). Applicant respectfully submits that Axberg et al. does not teach any of these claim features.

Applicant expressly defines "pointer" in the Specification at page 11, line 17:

The pointer for an object is the memory location where the object is stored, and the key is the object reference. (emphasis added)

Applicant's clear and unequivocal definition of the term "pointer" governs. *International Rectifier Corporation v. IXYS Corporation*, 361 F.3d 1363, 1369-1370 (Fed. Cir. 2004) ("The presumption [of ordinary and customary meaning] will be overcome where the patentee, acting as his own lexicographer, has set forth a definition for the term different from its ordinary and customary meaning or where the patentee has disavowed or disclaimed scope of coverage, by using words or expressions of manifest exclusion or restriction, representing a clear disavowal of

claim scope.")(emphasis added) Because the Applicant has acted as his own lexicographer, his definition must govern. *Id.*

Axberg et al. refers to a pointer as part of a graphical display for dragging a line across the display screen. See column 2, lines 59-67. The use of the term "pointer" in Axberg et al. is not remotely related to Applicant's definition. Hence, Axberg et al is clearly insufficient to satisfy Applicant's definition of the term "pointer." Notably, nowhere do Axberg et al. disclose: (1) "one or more of the managed objects include an object reference and a storage location pointer to another one of the managed objects" (See Claim 10); (2) "a first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions" (See Claim 16); and, (3) "a first one of the managed objects includes object reference information and pointer information in order to access at least a second one of the managed transactions" (See Claim 23).

Further, the necessary teaching, suggestion or motivation for the proposed combination of Axberg et al. and Davis et al. is lacking. "Determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on underlying facts." *In re Kumar*, 2005 U.S. App. LEXIS 17215,*8 (Fed. Cir. 2005). "During examination, *the examiner bears the initial burden of establishing a prima facie case of obviousness...*The prima facie case is a procedural tool, and requires the examiner *to initially produce evidence to support a ruling of obviousness.* *Id.* (emphasis added) *There must be a suggestion or motivation in the prior art to*

modify a reference to satisfy the claimed invention. *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984)(emphasis added). “*The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.*” *Id.* (emphasis added) It is impermissible to use the inventor’s own work to find the necessary motivation or suggestion to modify a reference to satisfy the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 220 USPQ 303, 312-313 (Fed. Cir. 1983)(To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome wherein that which only the inventor taught is used against the teacher.”)

“When an obviousness determination is based on multiple references, there must be a showing of some ‘teaching, suggestion, or reason’ to combine the references...Although a reference need not expressly teach that the disclosure contained therein should be combined with another...the showing of combinability, in whatever form, must be ‘*clear and particular.*’” Winner International Royalty Corp. v. Wang, 202 F.3d 1340, 1348-1349 (Fed. Cir. 2000)(emphasis added).

When analyzed under the foregoing legal standards, the combination of Axberg et al. and Davis et al. cannot be sustained. There is no teaching, suggestion or motivation to modify Axberg et al. for use with a SONET ring

network. On the contrary, the combination can only be made through hindsight reconstruction.

In regard to Claim 11, Axberg et al. has no disclosure of linking storage location *pointers* in the managed objects. The portions of the disclosure of Axberg et al. referenced in the Office Action do not even discuss storage location pointers.

In regard to Claim 21, the portions of specification of Axberg et al. cited in the Office Action do not teach accessing one or more of the managed objects through direct links through another managed object.

The rejection of Claims 13-20 and 22-30 based on the combination of Axberg et al., Davis et al. and Traversat et al., must fail as there is no teaching, suggestion or motivation for the combination of Axberg et al. and Davis et al. as previously explained. Further, Traversat et al. merely discloses a sequential process in which the top-most entry in a queue is read first, and then this is done for each entry in the event queue until all updates related to a transaction have been wiped out. In contrast, Claim 16 requires a transaction saving module and a recovery module. These modules are for saving the transmitted data for restoration to an object. Traversat et al. on the other hand deletes data when an operation is aborted. Further, Applicant respectfully submits that Traversat et al. does not supply any of the aforementioned deficiencies of Axberg et al. and Davis et al. Unlike Axberg et al. or Davis et al. or Traversat et al., the novel configuration of the present invention allows accessing of managed objects through direct links through other managed

objects. This provides for a level of efficiency over present network element restoration and synchronization methods.

Thus, at least for the reasons described above, Applicant respectfully submits that combination of elements set forth in each of independent claims 10, 16, and 23 is not suggested by the references cited by the Examiner, including Axberg et al., Traversat et al., and Davis et al.

Dependent Claims

All dependent claims are allowable based on their dependence from allowable independent Claims 10, 16 and 23, and/or due to the additional novel features set forth therein. Claims 11 and 21 have been discussed above and those arguments apply to Claims 22 and 30.

As for Claims 12-15, 17,18 and 24-29, it is respectfully requested that the rejection of these claims also be reconsidered. As for Claims 12, 13, 25 and 26, Axberg et al. does not disclose a transaction log file as required by Claims 12 and 25 nor restoration of the network as required by Claims 13 and 26. Further, Traversat et. al. does not disclose (1) a free space list as per Claims 14 and 27; (2) storage of the present state of managed objects in a memory buffer upon modification by the transactions as per Claims 15 and 28; and, (3) one of an alarm manager process, an automatic protection process and a configuration manager program, as set forth in Claim 19 nor would it be obvious to add such features to the combination of Axberg et al. and Davis et al.

Axberg et al. does not disclose a memory map as per Claim 17. As has been previously noted, there is no motivation for the combination of Axberg et al. and Davis et al. to modify the system of Axberg et al. to be compatible for use in a SONET ring network and therefore there is no basis for combining Axberg et al. and Davis et al. to meet the limitations set forth in Claim 18. Reconsideration and allowance thereof are respectfully requested.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0562 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

By  _____

David H. Voorhees, Reg. No. 33,325
Merek, Blackmon Voorhees, LLC